

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

JOHN PRUITT,

Petitioner,

vs.

WARDEN DAVID PARKER,

Respondent.

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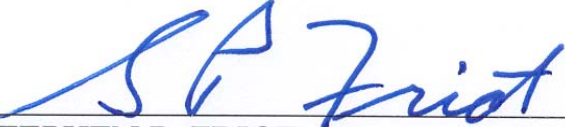
Case No. CIV-09-0735-F

**ORDER**

This action is brought by petitioner, a state prisoner appearing *pro se*, for habeas relief under 28 U.S.C. § 2254. On July 31, 2009, Magistrate Judge Doyle W. Argo filed a Report and Recommendation recommending that the petition be transferred to the United States District Court for the Eastern District of Oklahoma. The Report advised petitioner that failure to timely object to the Report waives the right to appellate review of both factual and legal issues contained in the Report. Petitioner has not responded to the Report and has not asked for an extension of time within which to respond.

With no objection having been filed, the court, after review, hereby **ADOPTS**, **ACCEPTS** and **AFFIRMS** the Report and Recommendation of Magistrate Judge Argo. Accordingly, this action is hereby **TRANSFERRED** to the United States District Court for the Eastern District of Oklahoma for all further proceedings.

Dated this 8<sup>th</sup> day of September, 2009.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE